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REMARKS

The drawings are objected to by the Examiner for the reasons noted in the official action. All of the raised drawing objections are believed to be overcome by the current claim amendments which cancel the features objected by the Examiner and thereby overcome the drawing rejection without the need to enter any drawing amendment.

Next, claims 8-20 are rejected under 35 U.S.C. § 112, first paragraph, for the reasons noted in the official action. The failure to comply with the enablement requirement is acknowledged and respectfully traversed in view of the following remarks.

The Applicant canceled the objectionable subject matter from the claims 8-20 thereby overcoming the enablement requirement. In view of the entered claims amendments, the Applicant respectfully submits that amended claims 8-13, as well as new claims 21-27, overcome the inadequate written description rejection, are all fully supported by the originally filed specification and those claims are now in condition for allowance.

Claim 20 is then objected to under 37 CFR 1.75 as being a substantial duplicate of claims 8 and 12. In view of this, the Applicant canceled claim 20, without prejudice or disclaimer of the subject matter therein, from this application.

Claims 8, 10, 11 and 13 are rejected, under 35 U.S.C. § 102, as being anticipated in view of Nakamura et al. '414 while claims 8, 9, 14-17 and 19 are rejected, under 35 U.S.C. § 103, as being unpatentable over Bolinger et al. '003 in view of Lehle et al. '496. The Applicant acknowledges and respectfully traverses the raised anticipatory and obviousness rejections in view of the following remarks.

Nakamura et al. '414 discloses a vibration and noise proofing system for a hydrostatic stepless transmission attached to a transmission case. The Examiner believes that Nakamura et al. '414 discloses a hydraulic motor and a hydraulic pump. It is respectfully submitted that Nakamura et al. '414 merely discloses a pump shaft 17 and a motor shaft 20, but Nakamura et al. '414 does not specifically teach that these shafts are a hydraulic pump shaft or a hydraulic motor shaft. Moreover, even if Nakamura et al. '414 did, in fact, teach a

hydraulic pump and a hydraulic motor, which is denied by the Applicant, the hydraulic pump and hydraulic motor would not be axially aligned with one another as recited in the currently pending claims. In addition, the arrangement specifically disclosed by Nakamura et al. '414 is quite different than the subject matter disclosed and claimed by the presently pending claims.

Bolinger et al. '003 relates to a hydraulic transmission drive assembly with noise attenuation means. The assembly has a pair of hydraulic units 30 and 31 that are interconnected by a port plate 32. This port plate 32, with the hydraulic units attached thereto, is further rigidly attached to a generally cylindrical wall 25 which, in turn, is fixed to a wall structure 12. This arraignment differs from the currently claimed invention. In particular, according to the present invention, the motor and the pump are connected to an intermediate plate (2) which is then directly connected to a transmission housing (7) via connecting elements and elastic damping elements (5, 6).

Lastly, Lehle et al. '496 is cited since this reference arguably relates to the feature of floatingly supporting shafts. Nevertheless, the Applicant asserts that the combination of the Lehle et al. '496 and Bolinger et al. '003 references still fails to teach, suggest or disclose the novel features of the currently claimed invention, as noted above.

In order to emphasize the above noted distinctions between the presently claimed invention and all of the applied art, independent claim 8 of this application recites the features of "[a] power distribution transmission having.....a hydraulic pump (1) and a separate hydraulic motor (3) both being interconnected with the hydraulic power branch, an intermediate plate (2) being located between the hydraulic pump (1) and the hydraulic motor (3) and the hydraulic pump (1) being coaxial with the hydraulic motor (3), the intermediate plate (2) being secured to a transmission housing (7) via connecting elements (6) including elastic damping elements (5), and said hydraulic pump (1) and said hydraulic motor (3) communicate with said mechanical power branch via shafts (12, 17) which are floatingly supported; wherein remote ends of said shafts (12, 17) have one of crowned teeth and spiral gearing at connecting

points (14, 19) which couple said shafts (12, 17) to the mechanical power branch."

Further, new independent claim 21 recites the features of

"[a] power distribution transmission comprising.....a hydraulic power branch having a hydraulic pump (1) and a hydraulic motor (3), with the hydraulic pump (1) being located on one side of the intermediate support (2) and the hydraulic motor (3) being located on an opposite side of the intermediate support (2), and the intermediate support (2) being secured to a transmission housing (7) via connecting elements (6) including elastic damping elements (5) to facilitate floating movement of the hydraulic pump (1) and the hydraulic motor (3) along three axes with respect to a remainder of the transmission; the hydraulic pump (1) and the hydraulic motor (3) communicating with the mechanical power branch via a pair of floatingly supported opposed shafts (12, 17), and each of the pair of floatingly supported opposed shafts (12, 17) having one of crowned teeth and spiral gearing at a remote connecting point (14, 19) which couples the shaft (12 or 17) to the mechanical power branch; and the hydraulic pump (1) being arranged coaxially with the hydraulic motor (3)."

Such features are believed to clearly and patentably distinguish the presently claimed invention from all of the art of record, including the applied art.

If any further amendment to this application is believed necessary to advance prosecution and place this case in allowable form, the Examiner is courteously solicited to contact the undersigned representative of the Applicant to discuss the same.

In view of the above amendments and remarks, it is respectfully submitted that all of the raised rejection(s) should be withdrawn at this time. If the Examiner disagrees with the Applicant's view concerning the withdrawal of the outstanding rejection(s) or applicability of the Nakamura et al. '414, Bolinger et al. '003 and Lehle et al. '496. references, the Applicant respectfully requests the Examiner to indicate the specific passage or passages, or the drawing or drawings, which contain the necessary teaching, suggestion and/or disclosure required by case law. As such teaching, suggestion and/or disclosure is not present in the applied references, the raised rejection should be withdrawn at this time. Alternatively, if the Examiner

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is relying on his/her expertise in this field, the Applicant respectfully requests the Examiner to enter an affidavit substantiating the Examiner's position so that suitable contradictory evidence can be entered in this case by the Applicant.

In view of the foregoing, it is respectfully submitted that the raised rejection(s) should be withdrawn and this application is now placed in a condition for allowance. Action to that end, in the form of an early Notice of Allowance, is courteously solicited by the Applicant at this time.

The Applicant respectfully requests that any outstanding objection(s) or requirement(s), as to the form of this application, be held in abeyance until allowable subject matter is indicated for this case.

In the event that there are any fee deficiencies or additional fees are payable, please charge the same or credit any overpayment to our Deposit Account (Account No. 04-0213).

Respectfully submitted,


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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service, with sufficient postage, as First Class Mail in an envelope addressed to: Director of the United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. October 27, 2003.

By: _____

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